



General Assembly

January Session, 2009

Amendment

LCO No. 6017

HB0540006017HD0

Offered by:
REP. ESPOSITO, 116th Dist.

To: House Bill No. 5400

File No. 63

Cal. No. 106

***"AN ACT CONCERNING THE DISCLOSURE OF LEASED ITEMS IN
REAL ESTATE TRANSACTIONS."***

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 49-41b of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective January 1, 2010*):

5 When any public work is awarded by a contract for which a
6 payment bond is required by section 49-41 and such contract contains
7 a provision requiring the general or prime contractor under such
8 contract to furnish a performance bond in the full amount of the
9 contract price, the following shall apply:

10 (1) In the case of a contract advertised by the state Department of
11 Public Works or any other state agency, except as specified in
12 subdivision (2) of this section, (A) the awarding authority shall not
13 withhold more than [ten] five per cent from any periodic or final
14 payment which is otherwise properly due to the general or prime

15 contractor under the terms of such contract and (B) any such general or
16 prime contractor shall not withhold from any subcontractor more than
17 (i) ~~[ten]~~ five per cent from any periodic or final payment which is
18 otherwise due to the subcontractor or (ii) the amount withheld by the
19 awarding authority from such general or prime contractor under
20 subparagraph (A) of this subdivision, whichever is less.
21 Notwithstanding the provisions of this subdivision (1), the awarding
22 authority shall establish an early release program with respect to
23 periodic payments by general or prime contractors to subcontractors.

24 (2) In the case of a contract advertised by the state Department of
25 Transportation, (A) the department shall not withhold more than two
26 and one-half per cent from any periodic or final payment which is
27 otherwise properly due to the general or prime contractor under the
28 terms of such contract, and (B) any such general or prime contractor
29 shall not withhold more than two and one-half per cent from any
30 periodic or final payment which is otherwise due to any subcontractor.

31 (3) If the awarding authority is a municipality, (A) it shall not
32 withhold more than five per cent from any periodic or final payment
33 which is otherwise properly due to the general or prime contractor
34 under the terms of such contract, and (B) any such general or prime
35 contractor shall not withhold more than five per cent from any
36 periodic or final payment which is otherwise due to any
37 subcontractor."